

AGENDA MINUTES

Tuesday, September 7, 2010

Legislative Day No. 24

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

AGENDA BRIEFING – (ROOM 2027 - BRIEFING HELD

CALL TO ORDER: - Chair Dernoga called to order at 10:20 A.M. with the following Council Members present:

*Marilynn B. Bland
Will Campos
Samuel H. Dean
Thomas E. Dernoga
Camille A. Exum
Andrea C. Harrison
Tony Knotts
Eric C. Olson
Ingrid M. Turner*

Others Present:

*Robert J. Williams, Jr., Deputy Council Administrator
Carmen Jackson-Brown, Legislative Officer
Todd Turner, Legislative Office
Hawi Sanu, THE Committee Director
Jackie Brown, PZED Committee Director
Josh Hamlin, Office of Law
Russell King, Office of Law
Steve Gilbert, Principal Counsel to District Council
Bonita Williams, Office of the County Executive
Marcus Jackson, County Council Liaison, Office of the County Executive*

INVOCATION: - *The Invocation was led by Sylvia Taylor, County Employee.*

PLEDGE OF ALLEGIANCE: - *The pledge of allegiance was led by Council Member Harrison.*

Council Member Exum moved adoption of the Consent Agenda; seconded by Council Member Harrison. The motion carried by voice vote.

1. **CONSENT AGENDA -- CB-82, 83, 84, CR-79 & 80 ADDED (pg. 6)-- ADOPTED AND ALL ACTIONS APPROVED**

All items listed under the consent agenda have been distributed to each member of the Council for review, are considered to be routine and will be acted upon by motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

(a) **Introduction of Resolutions**

CR-77-2010 – A RESOLUTION CONCERNING LOANS TO VOCUS, INC. (“VOCUS”) FROM THE MARYLAND ECONOMIC DEVELOPMENT ASSISTANCE FUND (“MEDAF”) AND PRINCE GEORGE’S COUNTY, MARYLAND (THE “COUNTY”) for the purpose of endorsing a loan not to exceed \$400,000 to Vocus from MEDAF and authorizing a loan by the County to Vocus not to exceed \$40,000 for eligible project costs associated with leasing a facility in the County and capital expenditures. - **INTRODUCED**

Council Resolution 77 endorses a loan not to exceed \$400,000 to Vocus, Inc. (“Vocus”) from the Maryland Economic Development Assistance Fund (“MEDAF”) and authorizing a loan by the County to Vocus not to exceed \$40,000 for eligible project costs associated with leasing a facility in the County and capital expenditures. Council Resolution 77 was introduced by Council Member Dernoga and referred to the Public Safety and Fiscal Management (PSFM) Committee.

(b) **Approval of Council Minutes** dated January 12, 19, 26; February 2, 9, 16, 23; March 2, 9, 16, 23, 30; April 6, 13, and 20, 2010. - **APPROVED**

Council Member Harrison moved to accept additional items to the Agenda; seconded by Council Member Exum. The motion carried by voice vote.

2. **CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

No items were considered.

3. **PROPOSED CORRESPONDENCE/ADMINISTRATIVE OFFICER’S REPORT**

(a) Proposed joint signature letter to Mr. C. John Sullivan, Jr., Director, Maryland Department of Assessments and Taxation, submitting the names of 5 candidates for the position of Supervisor of Assessments for Prince George’s County. **CHAIR AUTHORIZED TO SIGN**

A joint signature letter was proposed to be sent to Mr. C. John Sullivan, Jr., Director, Maryland Department of Assessments and Taxation, submitting the names of 5 candidates for the position of Supervisor of Assessments for Prince George’s County. Council Member Exum moved to authorize the Chair’s signature; seconded by Council Member Turner. The motion carried 9-0.

4. **SECOND READING OF BILLS – (INTRODUCTION)**

CB-75-2010 - AN ACT CONCERNING CHESAPEAKE BAY CRITICAL AREA ORDINANCE for the purpose of updating Subtitle 5B, the Chesapeake Bay Critical Area Ordinance.

- **DISCHARGED FROM PLANNING, ZONING AND ECONOMIC DEVELOPMENT (PZED) COMMITTEE; INTRODUCED**

Council Bill 75 was introduced by Council Member Dernoga on 7/13/2010 and referred to the Planning, Zoning and Economic Development (PZED) Committee. Council Member Dean moved to discharge the Planning, Zoning and Economic Development (PZED) Committee; seconded by Council Member Harrison. The motion carried 9-0. Council Bill 75 was introduced by Council Member Dernoga.

CB-76-2010 - AN ORDINANCE CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of making revisions to zoning requirements related to the Chesapeake Bay Critical Area.

- **DISCHARGED FROM PLANNING, ZONING AND ECONOMIC DEVELOPMENT (PZED) COMMITTEE; INTRODUCED**

Council Bill 76 was introduced by Council Member Dernoga on 7/13/2010 and referred to the Planning, Zoning and Economic Development (PZED) Committee. Council Member Dean moved to discharge the Planning, Zoning and Economic Development (PZED) Committee; seconded by Council Member Olson. The motion carried 9-0. Council Bill 76 was introduced by Council Member Dernoga.

PUBLIC HEARING SCHEDULED FOR 10/19/2010 @ 10:00 A.M.

CB-77-2010 (SUBDIVISION BILL) - AN ACT CONCERNING CHESAPEAKE BAY CRITICAL AREA for the purpose of making revisions to Subdivision requirements for the Chesapeake Bay Critical Area.

- **DISCHARGED FROM PLANNING, ZONING AND ECONOMIC DEVELOPMENT (PZED) COMMITTEE; INTRODUCED**

Council Bill 77 was introduced by Council Member Dernoga on 7/13/2010 and referred to the Planning, Zoning and Economic Development (PZED) Committee. Council Member Dean moved to discharge the Planning, Zoning and Economic Development (PZED) Committee; seconded by Council Member Harrison. The motion carried 9-0. Council Bill 77 was introduced by Council Member Dernoga.

PUBLIC HEARING SCHEDULED FOR 10/19/2010 @ 10:00 A.M.

5. **PUBLIC HEARINGS:**

CR-66-2010 - A RESOLUTION CONCERNING PUBLIC FACILITIES FINANCING AND IMPLEMENTATION PROGRAM DISTRICT – WESTPHALIA CENTER for the purpose of designating a contiguous area within Prince George’s County, Maryland, as a “PFFIP District” such development district to be located in an unincorporated area of the County known as Westphalia, Maryland, and to be known as “The Westphalia PFFIP District”.

- **PUBLIC HEARING HELD**

Pursuant to proper notice, the public hearing convened on Council Resolution 66. Thirteen persons spoke on Council Resolution 66. All persons wishing to speak having done so, the public hearing was declared held.

**PLANNING, ZONING & ECONOMIC DEVELOPMENT (PZED) COMMITTEE MEETING
SCHEDULED 9/20/2010 at 2:00 P.M.**

CR-72-2010 A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ANNUAL ACTION PLAN: FY 2011 for the purpose of approving the reprogramming \$1,300,000 in HOME Investment Partnership funds (“HOME”) from the FY 2004, FY 2005, FY 2006, FY 2008, and FY 2009 Annual Action Plans to the FY 2011 Annual Action Plan for the Rainier Manor project.

- **PUBLIC HEARING HELD; DISCHARGED FROM THE TRANSPORTATION, HOUSING AND THE ENVIRONMENT (THE) COMMITTEE; CONVENED IN COMMITTEE OF THE WHOLE (COW); FAVORABLE RECOMMENDATION; ADOPTED**

Pursuant to proper notice, the public hearing convened on Council Resolution 72. Mr. Steve Moore and Ms. Shirley Grant spoke on Council Resolution 72. All persons wishing to speak having done so, the public hearing was declared held. Chair Dernoga convened in Committee of the Whole (COW) at 12:35 P.M. Todd Turner, Legislative Officer, provided the County Council with an overview of Council Resolution 72 and sought to clarify the County’s contract and the Proposals for the Rainier Manor project. Council Member Campos moved to discharge the Transportation, Housing and the Environment (THE) Committee; seconded by Council Member Olson. The motion carried 9-0. Council Member Dean moved favorable recommendation; seconded by Council Member Campos. The motion carried 9-0. Council Member Dean moved adoption of Council Resolution 72; seconded by Council Member Campos. The motion carried 9-0.

6. **PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**

CB-46-2010 (DR-2) – AN ORDINANCE CONCERNING COMMERCIAL USES for the purpose of amending the definitions, requirements, and enforcement procedures for certain commercial uses. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 46 (DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Turner moved enactment of Council Bill 46 (DR-2); seconded by Council Member Dean. The motion carried 9-0.

CB-58-2010 (DR-2) - AN ACT CONCERNING THE PRINCE GEORGE’S COUNTY ARTS AND HUMANITIES COUNCIL for the purpose of codifying, renaming, and expanding the duties of the Prince George’s Arts Council.

- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 58 (DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Campos moved enactment of Council Bill 58 (DR-2); seconded by Council Member Olson. The motion carried 9-0.

CB-37-2010 - AN ACT CONCERNING VACANT RESIDENTIAL PROPERTY REGISTRATION AND MAINTENANCE INTERGOVERNMENTAL INFORMATION for the purpose of amending the registration provisions of vacant or unoccupied residential structures with the Department of Environmental Resources by authorizing information sharing with Prince George’s County municipalities. - **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 37. No persons wishing to speak, the public hearing was declared held. Council Member Campos moved enactment of Council Bill 37; seconded by Council Member Olson. The motion carried 8-0. (Absent: Council Member Exum).

CB-40-2010 (DR-2) - AN ACT CONCERNING SECONDHAND AND PAWN DEALERS for the purpose of further clarifying the definition of tangible personal property and general regulations as it relates to the second hand dealer licensing.

- **PUBLIC HEARING HELD; NO FINAL ACTION**

Pursuant to proper notice, the public hearing convened on Council Bill 40 (DR-2). Twenty-two persons spoke on Council Bill 40 (DR-2). All persons wishing to speak having done so, the public hearing was declared held. Case was taken under advisement. No final action.

CB-42-2010 (DR-2) - AN ACT CONCERNING NOTICE TO PURCHASERS OF REAL ESTATE OF CERTAIN LAND RECORDS for the purpose of amending the Consumer Protection laws of the County to require disclosure in residential real estate contracts of certain information in the land records maintained in the County of the subject property and to provide provisions for the failure to provide the required notice.

- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 42(DR-2). No persons wishing to speak, the public hearing was declared held. Council Member Campos moved enactment of Council Bill 42(DR-2); seconded by Council Member Olson. The motion carried 7-0. (Absent: Council Members Exum and Dean).

CB-12-2010 – AN ACT CONCERNING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS for the purpose of authorizing and empowering Prince George’s County, Maryland to issue and sell an amount not to exceed Nineteen Million, Six Hundred Seventy-Five Thousand Dollars (\$19,675,000) in aggregate principal amount of general obligation bonds with serial maturities including mandatory sinking fund installments in lieu of serial maturities, for the purpose of providing funds for financing in whole or part costs of the planning, construction, reconstruction, establishment, extension, enlargement, demolition, improvement or acquisition of certain capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2010, or usable portions thereof, including describing the capital projects to be financed in whole or in part from the proceeds of the bonds hereby authorized and the estimated costs and probable useful lives thereof; prescribing or providing for the procedures for the issuance and sale of such bonds at public sale; declaring the County’s official intent to reimburse itself for certain expenditures paid before the issuance of the bonds authorized hereby in accordance with applicable Income tax regulations; authorizing the consolidation of such bonds with other bonds for purposes of such sale; showing compliance with the power of the County to incur indebtedness; directing the application of the proceeds of such bonds; pledging the full faith and credit and taxing power of the County to the payment of such bonds and providing for the levy and collection of taxes necessary for the payment of the principal of and interest on such bonds when due;

- **PUBLIC HEARING HELD; ENACTED**

Pursuant to proper notice, the public hearing convened on Council Bill 12. No persons wishing to speak, the public hearing was declared held. Council Member Harrison moved enactment of Council Bill 12; seconded by Council Member Olson. The motion carried 7-0. (Absent: Council Members Exum and Dean).

7. **INTRODUCTION AND ADOPTION OF RESOLUTIONS**

CR-78-2010 – A RESOLUTION CONCERNING CAR FREE DAY for the purpose of expressing the County Council's support for declaring September 22, 2010 as Car Free Day in Prince George's County as part of international mobility week in the Washington, D.C. region.

- **INTRODUCED; RULES SUSPENDED; ADOPTED**

Council Resolution 78 expresses the County Council's support for declaring September 22, 2010 as Car Free Day in Prince George's County as part of international mobility week in the Washington, D.C. metropolitan region. Council Resolution 78 was introduced by Council Members Turner, Harrison, Olson, Dean, Knotts, Campos, Dernoga and Bland. Council Member Harrison moved to suspend the Council Rules of Procedure to allow for the immediate adoption of Council Resolution 78; seconded by Council Member Dean. The motion carried by voice vote. Council Member Dean moved adoption of Council Resolution 78; seconded by Council Member Campos. The motion carried 9-0.

Council Member Exum moved to accept additional items to the Agenda; seconded by Council Member Harrison. The motion carried by voice vote.

8. **DISTRICT COUNCIL ITEMS**

(SEE SEPARATE ACTION AGENDA)

ADDITIONS TO THE AGENDA

Council Member Exum moved adoption of Consent Agenda; seconded by Council Member Harrison. The motion carried by voice vote.

1. **CONSENT AGENDA – (page 2)**

All items listed under the consent agenda have been distributed to each member of the Council for review, are considered to be routine and will be acted upon by motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

(a) **Introduction of Resolutions**

CR-79-2010 – A RESOLUTION CONCERNING HOUSING AND COMMUNITY DEVELOPMENT RAINIER MANOR SENIOR RENTAL HOUSING PROJECT for the purpose of approving the financing of the Rainier Manor project through the Community Development Administration (“CDA”) of the Maryland Department of Housing and Community Development.

- **INTRODUCED; REFERRED TO COMMITTEE OF THE WHOLE (COW); CONVENED AS COMMITTEE OF THE WHOLE (COW); FAVORABLE RECOMMENDATION; ADOPTED**

Council Resolution 79 approves the financing for the acquisition and renovation of Rainier Manor by Rainier Redevelopment Associates Limited Partnership. Council Resolution 79 was introduced by Council Member Dernoga. Council Member Dean moved favorable recommendation; seconded by Council Member Olson. The motion carried 9-0. Council Member Dean moved adoption of Council Resolution 79; seconded by Council Member Olson. The motion carried 9-0.

CR-80-2010 – A RESOLUTION CONCERNING PILOT AGREEMENT FOR RAINIER MANOR SENIOR RENTAL HOUSING PROJECT for the purpose of approving the terms and conditions of a Negotiated Payments in Lieu of Taxes (“PILOT”) Agreement between Prince George’s County, Maryland and Rainier Redevelopment Associates, LP.

- **INTRODUCED; REFERRED TO COMMITTEE OF THE WHOLE (COW); CONVENED AS COMMITTEE OF THE WHOLE (COW); FAVORABLE RECOMMENDATION; ADOPTED**

Council Resolution 80 approves the terms and conditions of a Negotiated Payments in Lieu of Taxes (“PILOT”) Agreement between Prince George’s County and Rainier Redevelopment Associates, LP. Council Resolution 80 was introduced by Council Member Dernoga. Council Member Dean moved favorable recommendation; seconded by Council Member Campos. The motion carried 9-0. Council Member Dean moved adoption of Council Resolution 80; seconded by Council Member Campos. The motion carried 9-0.

(c) **First Reading of Bills (Presentation)**

CB-82-2010 – AN ORDINANCE CONCERNING MULTIFAMILY DWELLINGS for the purpose of amending the definition of a multifamily dwelling. - **PRESENTED**

Council Bill 82 was presented by Council Member Turner and referred to the Planning, Zoning and Economic Development (PZED) Committee.

CB-83-2010 – AN ACT CONCERNING REVITALIZATION TAX CREDITS for the purpose of increasing the maximum amount of eligible improvements per dwelling unit for residential improvements. - **PRESENTED**

Council Bill 83 was presented by Council Member Olson and referred to the Public Safety and Fiscal Management (PSFM) Committee.

CB-84-2010 – AN ACT CONCERNING HOMESTEAD PROPERTY TAX CREDIT for the purpose of establishing the homestead property tax credit for the County property tax for the taxable year beginning July 1, 2011. - **PRESENTED**

Council Bill 84 was presented by Council Member Dernoga and referred to the Public Safety and Fiscal Management (PSFM) Committee.

REQUESTS BY THE GENERAL PUBLIC TO ADDRESS THE COUNCIL

No persons wished to address the Council.

ADJOURN: - *Chair Dernoga adjourned the meeting at 12:52 P.M.*

Prepared By:

Submitted By:

Shirley T. Blake, Administrative Aide

Redis C. Floyd, Clerk of the Council